

Message Text

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TAGS: PGOV, TS

SUBJECT: BOURGUIBA' S PROPOSALS FOR CONSTITUTIONAL REFORM

REF: TUNIS 1330 (NOTAL)

1. SUMMARY: BOURGUIBA' S SPEECH ON CONSTITUTIONAL REFORM, THOUGH NATURALLY PRAISED IN OFFICIAL PRESS, HAS NOT YET ELICITED CLEAR REACTION FROM LIBERAL OPPOSITION. PRECISE CONSTITUTIONAL AMENDMENTS NOT YET PUBLISHED, AND FINAL ACTION NOT EXPECTED BEFORE NEXT FALL. CONTROVERSY MAY DEVELOP ON SUCCESSION PROCEDURE AN ON PROPOSEDREFERENDUM PROCEDURE. BUT ASSEMBLY WOULD CERTAINLY ACCEPT CHANGES BOURGUIBA WISHES. END SUMMARY.

2. ALTHOUGH BOURGUIBA' S SPEECH (REFTEL) NATURALLY FOLLOWED BY LAUDATORY PRESS TREATMENT AND USUAL RUN OF TELGRAM OF SUPPORT FROM ALL AND SUNDRY, WE HAVE NO FIRM IDEA YET HOW LIBERAL OPPOSITION VIEWS PROPOSALS AND WHAT ATTITUDE IT WILL TAKE DURING UPCOMING NATIONAL ASSEMBLY DELIBERATIONS. LIBERAL LEADER AHMED MESTIRI IS REPORTEDLY PASSING INITIAL WORD THAT HE SEES " NO OPENING" IN SPEECH, AND FURTHER THAT SOME LIBERALS INTEND FIGHT PROPOSED AMENDMENTS IN ASSEMBLY. THIS COULD OF COURSE BE TACTICAL MANEUVER AT THIS STAGE, AND OTHER VOICES NOT YET HEARD.

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3. OUR BEST UNDERSTANDING OF FORTHCOMING SCENARIO IS THAT NOW, FOLLOWING SPEECH, GOVERNMENT WILL INTRODUCE SPECIFIC AMENDMENTS IN ASSEMBLY, WHICH SHOULD GO TO SPECIAL COMMITTEE FOR CONSTITUTIONAL REFORM. THERE WAS SUCH A COMMITTEE IN 1971, BUT WE SUSPECT THAT NEW ONE WILL BE ELECTED. AFTER COMMITTEE HEARINGS, AMENDMENTS MUST BE ADOPTED BY ASSEMBLY IN PLENARY SESSION IN TWO READINGS SEPARATED BY THREE MONTHS BEFORE GOING TO PRESIDENT FOR SIGNATURE AND PROMULGATION. FIRST READING WILL PRESUMABLY OCCUR BEFORE SUMMER RECESS; SECOND READING PERHAPS NOT UNTIL ASSEMBLY RECONVENES IN OCTOBER. THIS TIMETABLE OF COURSE IS NOT FIRM, AND NO ANNOUNCEMENTS, HAVE APPEARED.

4. TUNISIA'S POLITICOS MAY BE WAITING PRECISE WORDING OF AMENDMENTS BEFORE COMMENTING FURTHER. THREE BASIC SUBJECTS AS OUTLINES BY BOURGUIBA ARE (A) SLIGHT MODIFICATION OF PRESIDENTIAL SYSTEM TO INTRODUCE CERTAIN TRAPPINGS OF PARLIAMENTARY SYSTEM (CENSURE); (B) SUBSTANTIALLY REVISED SUCCESSION PROCEDURE TO ALLOW DIRECT ELECTION OF SUCCESSOR TO BOURGUIBA; AND (C) POPULAR REFERENDUM. LATTER CHANGE MAY TURN OUT TO BE MOST CONTROVERSIAL, AND AT THIS STAGE IS CERTAINLY MOST IMPRECISELY FORMULATED.

5. CENSURE PROCEDURE HIGHLY CIRCUMSCRIBED, AND REGIME WILL REMAIN BASICALLY PRESIDENTIAL. ASSEMBLY HAS INITIAL RIGHT TO PRESENT "RECOMMENDATIONS" TO PRESIDENT WHEN GOVERNMENT NOT CONFORMING TO PRESIDENT'S POLICIES. IF THREE MONTHS THEREAFTER "RECOMMENDATIONS" STILL NOT FOLLOWED BY GOVERNMENT, ONE THIRD OF ASSEMBLY CAN ASK FOR VOTE OF CENSURE. (CENSURE VOTE ITSELF WOULD PRESUMABLY REQUIRE SIMPLE MAJORITY, BUT THIS NOT CERTAIN.) CENSURE PROCEDURE FURTHER CIRCUMSCRIBED IN THAT, IF ASSEMBLY PASSES TWO SUCH MOTIONS DURING SAME LEGISLATIVE SITTING, PRESIDENT COULD DISSOLVE NATIONAL ASSEMBLY. (COMMENT: THIS SEEMS TO BE ESSENTIALLY SAME SORT OF SYSTEM AS PREVIOUSLY DESCRIBED TO US BY PRIMIN NOUIRA AND OTHERS. IT DOES INDEED GIVE ASSEMBLY MORE POTENTIAL POWER THAN PREVIOUSLY AND AT PRESENT WE DO NOT SEE THAT THIS PROPOSED CHANGE WILL BE VERY CONTROVERSIAL. L

6. WHETHER OR NOT CONTROVERSY DEVELOPS ON PROPOSED NEW LIMITED OFFICIAL USE

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SUCCESSION FORMULA WILL DEPEND PARTLY ON WHETHER "LIBERALS"

STAND ON PRINCIPLE OR ACCEPT WHAT IS A PARTIAL VICTORY FOR THEM IN PRACTICE. ON PRINCIPLE ALONE THEY MAY AND PROBABLY WILL ARGUE THAT BOURGUIBA HAS SET HIMSELF ABOVE PARTY CONGRESS AND REFUSE TO ACCEPT PRECISE RECOMMENDATIONS OF CONGRESS. (MONASTIR CONGRESS HAD DECIDED THAT PRESIDENT OF NATIONAL ASSEMBLY , RATHER THAN PRIMIN, SHOULD ASSUME INTERIM POWERS PENDING NEW ELECTION.) IN PRACTICE, HOWEVER, BOURGUIBA HAS GIVEN IN SOMEWHAT ON MAJOR POINT: HE NO LONGER INSISTS ON NAMING HIS OWN SUCCESSOR(ALTHOUGH LIBERALS CAN ARGUE THAT SINCE HE NAMES PRIMIN, HE IN EFFECT CAN STILL DO SO). BUT REPORTS CIRCULATING IN PAST SEVERAL WEEKS THAT BOURGUIBA WOULD RE- ADOPT IDEA OF INSTITUTING VICE PRESIDENT (AND NAMING NOUIRA TO JOB) PROVED FALSE. NEVERTHELESS SOME OF LIBERALS MAY ACCEPT BOURGUIBA' S INVITATION IN SPEECH TO ADVOCATE THAT NATIONAL ASSEMBLY PRESIDENT RATHER THAN PRIMIN ASSUME INTERIM POWERS. POLITICAL FIGHT MIGHT DEVELOP IN ASSEMBLY ON THIS ISSUE; THIS WOULD NOT NECESSARILY BE UNHEALTHY DEVELOPMENT.

7. BOURGUIBA' S PROPOSAL FOR A REFERENDUM IS INTERESTING, SOMEWHAT PUZZLING, AND PERHAPS CONTROVERSIAL. SOME OBSERVERS SEE IN THIS PROPOSAL A MEANS FOR BOURGUIBA TO PROVIDE FOR HIS OWN RE- ELECTION TO PRESIDENCY IN 1974 WHEN HIS TERM EXPIRES. (ACCORDING PRESENT CONSTITUTION, HE LIMITED TO TWO TERMS.) TO INTRODUCE SEPARATE CONSTITUTIONAL AMENDMENT ON THIS MATTER COULD (A) TIP BOURGUIBA' S HAND AND (B) INTRODUCE MORE PERMANENT CHANGE IN SYSTEM THAT BOURGUIBA WOULD PROBABLY WISH SEE LIMITED ONLY TO HIMSELF. REFERENDUM ALSO RAISES SPECTRE OF PLEBISCITE WHICH OF COURSE ANATHEMA TO POLITICIANS WHO ARE (AS MANY TUNISIANS ARE) SCHOOLED IN PRE- GAULLIST FRENCH POLITICAL PHILOSOPHY.

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